

E-FILED on 10/28/09IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISIONUNITED STATES OF AMERICA, ex rel.  
GLORIA KATHLEEN BETTENCOURT,

Plaintiff,

v.

COUNTY OF SANTA CLARA, et al.

Defendants.

No. C-08-4286 RMW

ORDER GRANTING MOTION TO  
WITHDRAW AND ORDERING PLAINTIFF  
TO SHOW CAUSE WHY THIS ACTION  
SHOULD NOT BE DISMISSED FOR  
FAILURE TO PROSECUTE

[Re Docket No. 11]

On October 2, 2009, the court heard plaintiff's counsel's motion to withdraw as counsel. Plaintiff did not appear, nor did she oppose the motion. Having considered the papers submitted by plaintiff's counsel and the argument and testimony of counsel at the hearing, and for good cause appearing, counsel's motion to withdraw is granted.

Additionally, the docket in this action reveals that no progress has been made on this case since it was filed. This action was filed on September 11, 2008. The United States declined to intervene, and on April 17, 2009, the court ordered Relator Bettencourt to serve the complaint and other documents on the defendants. Despite this order, no proof of service has been filed. Plaintiff appears to have taken no action to prosecute the action, failed to appear at the October 2, 2009 case

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1 management conference, and failed to appear or otherwise participate in the hearing on counsel's  
2 motion to withdraw.

3 Accordingly, plaintiff is hereby ordered to appear before the court on November 6, 2009 at  
4 9:00 a.m. to show cause why this action should not be dismissed for failure to prosecute. If plaintiff  
5 fails to show good cause, the court will dismiss the action at that time.

6  
7 DATED: 10/27/09

*Ronald M. Whyte*  
RONALD M. WHYTE  
United States District Judge

1 **A copy of this document has been mailed to:**

2 **Plaintiff:**

3 Gloria Kathleen Bettencourt  
97 Dearwell Way  
San Jose, Ca 95138

5 **Counsel for Defendant:**

6 No appearance

7 **A copy of this document has been mailed to:**

8 **Plaintiff:**

9 Sara Winslow  
Assistant United States Attorney  
450 Golden Gate Avenue  
Box 36055  
10 San Francisco, CA 94102

11  
12 Counsel are responsible for distributing copies of this document to co-counsel that have not  
13 registered for e-filing under the court's CM/ECF program.

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16 **Dated:** 10/28/09

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17 Chambers of Judge Whyte  
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